

claims 6 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Watts in view of Novogrod, and further in view of Albert and Watanbe, and further in view of Zuta (U.S. Patent No. 5,241,161) ("Zuta"); claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Watts in view of Novogrod, and further in view of Albert and Watanbe, and further in view of Zuta and further in view of Loder (U.S. Patent No. 5,748,720) ("Loder"); claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Watts in view of Novogrod, and further in view of Albert and Watanbe, and further in view of Vatanen (U.S. Patent No. 6,169,890 B1) ("Vatanen"); claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Watts in view of Novogrod, and further in view of Albert and Watanbe, and further in view of Barabash et al. (U.S. Patent No. 6,101,378) ("Barabash"); claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Watts in view of Novogrod, and further in view of Albert and Watanbe, and further in view of Vatanen and Barabash, and further in view of Victor (JP 10,285,657) ("Victor"); claims 13-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Watts in view of Novogrod, and further in view of Albert and Watanbe, and further in view of Raith et al. (U.S. Patent No. 6,073,005) ("Raith"); claims 16 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Watts in view of Novogrod, and further in view of Albert and Watanbe, and further in view of Forslund et al. (U.S. Patent No. 6,250,557 B1) ("Forslund"); claims 18-22 rejected under 35 U.S.C. § 103(a) as being unpatentable over Watts in view of Novogrod, and further in view of Albert and Watanbe, and further in view of Raith and Forslund, and further in view of Shitara et al. (U.S. Patent No. 4,833,702) ("Shitara"); and claims 23-25 rejected under 35 U.S.C. § 103(a) as being unpatentable over Watts in view of Novogrod, and further in view of Albert and Watanbe, and further in view of Grube et al. (U.S. Patent No. 5,724,655).

Claims 1-25 are pending in the subject application, of which claims 1, 4, 12, 13, 20, 21, and 24 are independent claims. Claims 2, 3, 5-11, 14-19, 22, 23, and 25 depend, either directly or indirectly, from one of claims 1, 4, 12, 13, 20, 21, or 24.

Figure 3 is amended for clarification. Support for the amendment is found in the Specification at page 18, lines 14 and 15. The Applicants respectfully request that the Examiner enter the amendment to Figure 3, submitted herewith. The Applicants are concurrently submitting a Letter Submitting Drawings and a Letter to the Examiner Requesting Approval of the Changes to the Drawings.

Figure 3 and claims 1, 5, 6, 13, and 14 are amended and claims 4, 12, and 20-25 are cancelled. Care has been exercised to avoid the introduction of new matter. A Version With Markings to Show Changes Made to amended claims 1, 5, 6, 13, and 14 is included herewith.

The foregoing rejections to the remaining pending claims 1-3, 5-11, and 13-19 are respectfully traversed.

**Claims 1-3, and 5:**

Watts discloses an infrared interface between a cellular telephone and a personal computer (Watts, col. 19, lines 17-19). Watts is primarily concerned with analog data, but discloses digital data transmission for the purposes of "phone control" (Watts, col. 19, lines 48-50). Watts does not disclose short-distance digital money transactions between a customer and a vendor.

Novogrod discloses a system for remote dispensing of negotiable instruments via communication between a customer and a bank using the system (Novogrod, col. 3, lines 43-46). The system in Novogrod contains a display and a memory (Novogrod, col. 10, lines 36-38; col. 14, lines 47-48). Novogrod is limited to the remote dispensing of negotiable instruments. A user of the system is still required to consummate a transaction by hand-transfer of the negotiable instrument to the payee.

Albert discloses a wireless adaptor for existing financial transaction devices (Albert, col. 3, lines 24-36). Albert also discloses encryption and decryption of transmitted data (Albert, col. 16, lines 36-38; col. 17, lines 12-23). Albert does not disclose or suggest the adaptation to a cellular telephone or other personal wireless communication device.

Watanbe discloses a radio communications terminal capable of conducting remote IC card transactions with a financial institution (Watanbe, col. 1, line 66 – col. 2, line 30). Watanbe also discloses encryption and decryption of the IC card data (Watanbe, col. 9, line 42 – col. 10, line 9). Watanbe is limited to communication with a financial institution, and not a vendor.

The combination of Watts, Novogrod, Albert, and Watanbe discloses a system for wireless communication between a cellular telephone, a personal computer, and a financial institution, and a system for wireless communication between a financial transaction device and a financial institution. MPEP § 706.02(j) requires that, for a rejection under § 103: "there must be some suggestion or motivation, either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." (emphasis in original) There is no suggestion in the references to combine Albert with a system including a personal wireless communication device, as the system disclosed in Albert is solely for communications between a vendor's equipment, i.e., a financial transaction device, and a financial institution. The system combining Watts, Novogrod, and Watanbe includes encryption and decryption, and is capable of conducting phone control and IC card transactions, and dispensing negotiable instruments. There is no suggestion or motivation to modify the combination to be applicable to short-distance wireless digital money transactions between a customer at a point of transaction.

In contrast, claims 1 and 5 of the present application recite (using the language of claim 1, as amended herein, as an example) "a short-distance communication interface interfacing wireless communication with a communication terminal located at a point of transaction involving the use of digital money." Clearly, the present invention, as evidenced by claims 1 and 5 of the present application, is not rendered obvious by the combination of Watts, Novogrod, Albert, and Watanbe, because the combination of references does not disclose or suggest a system for a short-distance wireless point-of-transaction transfer of digital money. Therefore, claims 1 and 5 are allowable as amended herein.

In addition to being allowable based on their dependency from claim 1, claims 2 and 3 recite patentably distinguishing features of their own. For example, claim 3 recites changing an enciphering/deciphering method by "changing software installed in [a] enciphering/deciphering processor." Albert discloses downloading a software update to a financial transaction device from a financial institution (Albert, col. 15, lines 60-61). However, Albert does not disclose or suggest that the software is related to the encryption or decryption aspects of the system. Therefore, claims 2 and 3 are allowable.

#### **Claims 6 and 7:**

Zuta discloses a wristwatch containing a smart card to transmit, receive, store, and retrieve personal information (Zuta, col. 1, lines 10-11; col. 2, lines 54-55; col. 4, lines 23-25).

The remarks set forth above are incorporated as if expressly set forth herein. The combination of Watts, Novogrod, Albert, Watanbe, and Zuta discloses a system for the storage *in a wristwatch of personal information* received from a financial institution or financial

transaction device. In contrast, in addition to being allowable based on its dependency from allowable claim 5, claim 6 of the present application (as amended herein) recites "customer information storing means for storing information regarding a customer so that, when the customer makes a payment by the digital money via said store terminal, said *store terminal stores information regarding the payment* in said customer information storing means."

(emphasis added) Clearly, claim 6 patentably distinguishes over the combination of references because the combination does not disclose or suggest the storage of information related to a digital money transaction in the vendor's store terminal. Therefore, claim 6 is allowable. Claim 7 is allowable based on its dependency from allowable claim 6.

**Claims 8-11:**

The remarks set forth above are incorporated as if expressly set forth herein. Claims 8-11 are allowable based on their dependency, either directly or indirectly from allowable claim 5.

**Claims 13-15:**

Raith discloses a cellular telephone with an emergency help or panic button (Raith, Abstract; col. 1, lines 54-65).

The remarks set forth above are incorporated as if expressly set forth herein. The combination of Watts, Novogrod, Albert, Watanbe, and Raith discloses a system for communication of an emergency call between a cellular telephone, a personal computer, and a financial institution. The combination does not disclose or suggest the communication of a user's state of feeling.

In contrast, claim 13 of the present application (as amended herein) recites "inputting means for inputting information regarding a user's state of feeling." Clearly, the types of communication disclosed by the combination of references (i.e., emergency calls) differs significantly from the types of communication recited in claim 13 (i.e., state of feeling), because different priorities are attached, different responses are taken, and different information is communicated. Further, claim 13 recites a service center determining "whether there is service which can be provided to the user by said determining means when said service center receives the information regarding the user's state of feeling, and sends the message stored in said service information storing means to said portable communication device when the service

which can be provided to the user is present." In the combination of references, a response constituting dispatching emergency assistance is the likely result of the communication. In contrast, in claim 13, the service center may respond to the lesser-priority communication when the necessary service is available. Therefore, claim 13 is allowable over the combination of references.

Claims 14 and 15 of the present application are allowable based on their dependency from allowable claim 13.

**Claims 16-19:**

The remarks set forth above are incorporated as if expressly set forth herein. Claims 16-19 of the present application are allowable based on their dependency, either directly or indirectly, from allowable claim 13.


**Conclusion:**

Withdrawal of the foregoing rejections is respectfully requested. There being no further objections or rejections, it is submitted that the application is in condition for allowance, which action is courteously requested. Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters. If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

**IN THE CLAIMS:**

Please CANCEL claims 4, 12, and 20-25.

Please AMEND the following claims:

1. (ONCE AMENDED) A portable communication device for communicating with a remote communication terminal, the portable communication device being configured and arranged to be used in a digital money system, comprising:

a remote communication interface interfacing radio-frequency communication with a remote communication terminal;

a short-distance communication interface interfacing wireless communication with a communication terminal located [in the vicinity of the portable communication device] at a point of transaction involving the use of digital money;

inputting unit inputting data or instruction information to said portable communication [terminal] device;

a memory storing the data input by the inputting unit or data received via said remote communication interface and said short-distance communication interface;

a display unit displaying the data input by said inputting unit or data received via said remote communication interface and said short distance communication interface;

an enciphering circuit enciphering data to be transmitted to the remote communication terminal via said remote communication interface and data to be transmitted via said short-distance communication interface;

a deciphering circuit deciphering data received from the remote communication terminal via said remote communication interface and data received via said short-distance communication interface; and

a controlling unit controlling each of said remote communication interface, said short-distance communication interface, said inputting unit, said memory, said display unit, said enciphering circuit and said deciphering circuit.

5. (ONCE AMENDED) [The] A digital money system [as claimed in claim 4,] for using digital money to pay for a purchase as service, comprising:

a computer of a financial institution;  
a radio base station in communication with said computer of the financial institution;  
a store terminal receiving digital money data for payment; and  
a portable communication device in communication with said radio base station via a radio frequency, said portable communication device also in communication with said store terminal in a wireless manner; and  
wherein said portable communication device stores the digital money data transmitted from said computer of the financial institution after deciphering the digital money data; and  
said portable communication device transmits the digital money data for payment to said store terminal after enciphering the digital money data for payment,  
wherein said portable communication device comprises:  
    a remote communication interface interfacing radio-frequency communication with said radio base station;  
    a short-distance communication interface interfacing wireless communication with said store terminal located [in the vicinity of said portable communication device] at a point of transaction involving the use of digital money;  
    inputting unit inputting data or instruction information to said portable communication [terminal] device;  
    a memory storing the data input by the inputting unit or data received via said remote communication interface and said short-distance communication interface;  
    a display unit displaying the data input by said inputting unit or data received via said remote communication interface and said short distance communication interface;  
    an enciphering circuit enciphering data to be transmitted to said computer of the financial institution via said remote communication interface and data to be transmitted to said store terminal via said short-distance communication interface;  
    a deciphering circuit deciphering data received from said computer of the financial institution via said remote communication interface and data received from said store terminal via said short-distance communication interface; and  
    a controlling unit controlling each of said remote communication interface, said short-distance communication interface, said inputting unit, said memory, said display unit, said enciphering circuit and said deciphering circuit.

6. (ONCE AMENDED) The digital money system as claimed in claim [4] 5, wherein said store terminal includes customer information storing means for storing information regarding a customer so that, when the customer [make] makes a payment by the digital money via said store terminal, said store terminal stores information regarding the payment in said customer information storing means, the information regarding the payment includes information regarding an item for which the payment is made, an amount of payment and date and time of the payment, and said store terminal transmits the information regarding the payment to said portable communication device together with store information to said short-distance communication interface of said portable communication device.

13. (ONCE AMENDED) A service providing system comprising:  
a service provider terminal of a provider of service;  
a service center including service information storing means for storing information including information regarding various kinds of service which can be provided to a user, information regarding availability of service provided by the provider and information regarding message to be provided to the user, said service center [also] further including determining means for determining whether or not service can be provided to the user based on a present state of the user;

a radio base station connected to said service center; and

a portable communication device comprising remote communication means for communication with said radio base station, said portable communication device [also] further comprising inputting means for inputting information regarding a [present state of the user] user's state of feeling,

wherein said portable communication device sends the information regarding the [present state of the user] user's state of feeling to said service center by said remote communication means when the information regarding the [present state of the user] user's state of feeling is input by said inputting means; and

said service center determines whether [or not] there is service which can be provided to the user by said determining means when said service center receives the information regarding the [present state of the user] user's state of feeling, and sends the message stored in said service information storing means to said portable communication device when the service which can be provided to the user is present.



14. (ONCE AMENDED) The service providing system as claimed in claim 13, wherein said portable communication device [has] includes a specific key for inputting the [present state of the user] user's state of feeling so that the user can input information regarding the present state of the user by pressing the specific key.